IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7063 OF 2005

Kashinath Maruti Kandesakar & Anr...Applicants
Versus
State of Maharashtra ....Respondent

Mr.Umesh Mankapure for applicants
Mr.S.S.Pednekar, A.P.P. for State

CORAM : S.C.DHARMADHIKARI, J.
DATE : 17th November 2005.

P.C.

. Heard Mr.Mankapure for applicants and Mr.Pednekar, A.P.P. for State. Applicants are accused Nos.2 and 3 in C.R.No.133 of 2005 registered at Vita Police station, Dist.Sangli for the offences punishable under 498A, 306, 504 read with section 34 of the I.P.C. First applicant is father in law and is aged 70 years and second applicant is mother in law and aged 55

years.

2. Deceased Maya was married with Manohar son of applicant on 25th June 2005. She expired after sustaining burn injuries on 27th September 2005 within three months of her marriage.

3. Charge sheet is yet to be filed but on account of advanced age of first applicant and second applicant being a lady, learned Advocate presses this application. He states that the applicants were arrested on 29th September 2005. He submits that on perusal of the F.I.R. all that is revealed is that the case against applicant is that a demand was made of Rs.50,000/- soas to establish son Manohar in business. It is alleged that Rs.45,000/- were paid by brother of deceased. However, the in-laws were not satisfied. They were all the time abusing the deceased because the entire amount was not paid. It is further alleged that

because of the fact that the applicants were demanding monies as well as jewellery and cruel treatment at their hands she was constrained to commit suicide.

4. An application seeking identical reliefs was moved before the sessions court and after perusal of the F.I.R., the learned Sessions Judge also concluded that save and except the aforesaid, there are no allegations against the applicants. There are no allegations against them in the dying declaration also. Learned Sessions Judge also concludes that because deceased succumbed within 15 minutes from the time of admission to the hospital, possibility cannot be ruled out that she so succumbed because of immense pressure from the husband.

5. With the assistance of the learned Counsel appearing for applicants and the A.P.P., I have perused the bail application as well as

F.I.R. In my view, considering the advanced age of applicants who are in-laws of the deceased and further, the only allegation is about demand of money, it is not necessary that the applicants be detained any further. Husband of deceased i.e. applicant No.1 has not applied for bail. Although, prima facie, the allegations are serious and pertain to harassment of deceased, the fact remains that applicants are not likely to misuse the liberty. They are permanent residents of Taluka Khanapur. There are no criminal antecedents. Therefore, in the peculiar facts, they are released on bail. Hence following order:-

i) The applicants shall be enlarged on bail in connection with C.R.No.133 of 2005 registered at Vita Police Station, Dist. Sangli subject to furnishing a personal bond of Rs.10,000/- with one or two local sureties.

ii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iii) Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act on an

authenticated copy of this order.

(S.C.DHARMADHIKARI, J)